

Supplemental Meeting
Materials for 12/5/2024 for
Item # 4.1.

I, Stephen Glen Kirby, am currently employed as a dual-rate manager at bestbet in Jacksonville. As a dual-rate manager, some days I will be a floor manager, and some days I will deal poker. I received my license to deal poker in Florida in August, 2023. Before that, I was a licensed poker dealer in Indiana for a year and a half. It was my employment at the Jacksonville bestbet that made me and my family move to Florida in 2023. I am 40 years old. I am a husband and father of two children, ages 21 and 20, both of whom live with my wife and I. My job at bestbet is my sole source of income, and is how I support myself and my family. Prior to the arrest and charges at issue in this case, I had never been arrested, criminally charged, or involved in any illegal activity.

This case involves two separate incidents that I would like to address. Both incidents involve charges of Petit Theft and I take full responsibility for my actions and decision to plead nolo contendere to each charge. However, the circumstances of each incident are very different.

The first incident occurred on October 17, 2023. The details of the incident are not in the police report or case file. In an effort to be completely open and honest with the Florida Gaming Control Commission, I will provide a full explanation of what occurred. While living in Indiana during COVID, I did some work for Uber to supplement my income. This was the first time I worked for Uber and I was not familiar with their payment system. I assumed that Uber withheld taxes from my pay like my other employers. However, Uber paid me as an independent contractor and did not withhold any taxes. As a result, I owed back taxes to the State of Indiana. I believe the state was unable to locate me due to my relocation to Florida. This resulted in the state getting a tax lien against me. I was not aware of this until my bank account was frozen sometime in mid-October 2023. While my account was frozen, my family ran out of food. I had \$20 cash so I went to Target to buy groceries for my family. I placed approximately \$20 worth of groceries in my bag and went to the self-checkout register. At that time, in a moment of desperation, I made a terrible mistake that was completely out of character. Instead of paying with the \$20 cash, I walked out of the store with the groceries without paying. I immediately regretted my decision.

The second incident occurred on November 30, 2023. I went to Target and checked out using the self-check-out register. At the register, I scanned and paid for about \$70 worth of items. On the bottom rack of my cart was about \$18 worth of drinks. I forgot I had these drinks below the cart, and as a result, I walked out without paying for them. Unlike the first incident, this was simply a mistake. I was not intending to take the drinks without paying. As I walked out of the store, I was approached by an officer and subsequently was arrested for Petit Theft. It appeared to me that there may have been some sort of sting operation occurring that day at Target and law enforcement was there to arrest individuals who may have been stealing from self-check-out registers. Apparently, Target's loss prevention agent identified me from the October 17th incident and wanted to press charges for both incidents. I understand why I was not given the benefit of the doubt with respect to this situation.

After I was arrested, I was placed in general population in the Duval County jail. I had never been arrested before, and had never been to jail. My experience while in jail was distressing, and the conditions inside the jail that I was held in were very poor. I was put in shackles and held in the same area as individuals accused of violent crimes such as murder. After my first night in jail, I was told by the Judge that if I pled guilty, I could be released that same day. I was so desperate to get out of jail as quickly and as safely as possible that I pled nolo contendere to the charges.

After I was released from jail, I immediately reported the incident to my shift manager at work. I was subsequently told not to say anything to anyone else, since "it was not a felony and no one would know about it." This was incorrect information, and the shift manager who told me this was eventually fired. It is my understanding that his statement to me to not report the incident was part of the reason he was let go. Due to this conversation with my shift manager, I did not notify the Florida Gaming Control Commission of my arrest or conviction. I now recognize that it is my responsibility as a cardroom licensee to report an arrest directly to the Florida Gaming Control Commission within 5 days and to report a conviction within 48 hours. I failed to do this and I sincerely apologize to the Florida Gaming Control Commission for my failure. I hope to never be in this situation again, but if for some reason I am, I will certainly report the incident as required.

I am hardworking member of the bestbet team and I greatly enjoy my job. Working in a cardroom is something I believe I am very good at and that I take seriously. I have had no reprimands during my employment with bestbet prior to this incident and I would never do anything to harm my employer. My job at bestbet is how I support my family. My wife also works at bestbet as a poker dealer, but can currently only work part-time. Before bestbet, I was a poker dealer in Indianapolis. I have also been licensed in Indiana for gaming and in Indiana and Tennessee for life insurance sales. I sold funeral insurance for 8 years and have been a poker dealer for about 3 years. In my close to 11 years of experience being licensed for various employments, I have never had any licensure issues at all prior to this incident. This is the first time in my life that I have been in significant trouble, and it has been something I hope to never experience again.

I fully understand that my license is subject to discipline. I take responsibility for my actions and accept the consequences that come along with those actions. I regret my actions and the impact it has had on my family and my employment. It is embarrassing and not the example I hope to set for my children. I am respectfully asking that the Commission consider the circumstances that lead to my pleas of nolo contendere, the absence of any prior misconduct, and the great effect a license revocation would have on mine and my family's life. Seeing how this event has jeopardized my livelihood and my ability to support my family has made me understand how much impact my actions outside of work can have. I deeply regret my actions and not notifying the Commission of my arrest. Though I had received bad information regarding whether or not to report it, I should have used my better judgement and informed

another supervisor of the incident or looked into the reporting requirements on my own. Again, I ask that the Commission show leniency and allow me to keep my license so that I can continue my employment with bestbet and can be able to consistently provide for my family.

Stan Kim

Signature

08-12-24

Date

Stephen Kirby - Letter of Recommendation.

Ben Koros <benk@bestbetjax.com>

Sun 8/18/2024 11:32 PM

To:T.J. Morton <tj@lockwoodlawfirm.com>

Hello, to whom it may concern,

I would like to express my previous experiences with Stephen Kirby considering the pending decision on his license.

My name is Ben Koros and I work in a gaming facility with Stephen Kirby. I have worked with him for roughly 12 months, and in totality have found him to be an honest, hard worker.

Throughout multiple experiences with Stephen I have seen firsthand his commitment not only to abiding by the rules in all facets but in many ways seeming to physically embody them. I cannot think of another individual who is more concerned with right and wrong, on a principal basis. I have seen Stephen very personally considerate with his actions, how it impacts all individuals that he encounters from patrons, coworkers, and players. I believe the care that I have seen him take in considering those actions to be a sign of good faith and personal introspection.

For all these reasons mentioned above, I would like to personally recommend that Stephen's license is renewed. I believe him to be an asset to our company, and someone deserving of a gaming license therein.

Thank you for your time,

Ben Koros

Fwd: Recommendation letter (let me know if you want any changes)

Stephen Kirby <glenkirby6510@gmail.com>

Fri 8/30/2024 3:46 PM

To:T.J. Morton <tj@lockwoodlawfirm.com>

----- Forwarded message -----

From: **Clayton Ball** <clayton.ball904@gmail.com>

Date: Fri, Aug 30, 2024, 3:43 PM

Subject: Re: Recommendation letter (let me know if you want any changes)

To: <Glenkirby6510@gmail.com>

To Whom It May Concern,

I am writing to highly recommend Stephen Kirby for any position or opportunity he may seek. Stephen has been an invaluable member of our team, serving as a floor manager with exceptional skill and dedication.

Stephen's work ethic is unmatched. He consistently demonstrates a remarkable commitment to his role, tackling every challenge with determination and a proactive approach. His exceptional organizational abilities and keen attention to detail ensure that operations run smoothly and efficiently, making him an indispensable asset to our team.

Beyond his technical skills, Stephen is renowned for his outstanding interpersonal abilities. He has earned high praise not only from our employees but also from our patrons. His ability to foster a positive working environment and his knack for resolving conflicts with grace and professionalism have made a significant impact on both staff morale and customer satisfaction.

Stephen's leadership style is both inspiring and effective. He motivates his team through clear communication, support, and a genuine concern for their well-being. His proactive approach to problem-solving and his capacity to handle high-pressure situations with composure further underscore his exceptional managerial skills.

In summary, Stephen Kirby's dedication, expertise, and leadership make him an exemplary floor manager.

Clayton Ball
Floor Manager

On Sat, Aug 24, 2024, 14:50 Clayton Ball <clayton.ball904@gmail.com> wrote:

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Clayton Ball
Floor Manager

On Fri, Aug 23, 2024, 16:15 Clayton Ball <clayton.ball904@gmail.com> wrote:

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Derek Washington

From: Wesley Powell <wesleybpowell15@yahoo.com>
Sent: Sunday, March 31, 2024 10:33 PM
To: Derek Washington
Subject: Letter of Recommendation for Stephen Kirby

[You don't often get email from wesleybpowell15@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To whom it may concern,

My name is Wesley Powell, and I am a floor manager at bestbet Jacksonville. I have been a licensed card room employee in the state of Florida since 2009. I am writing to you on behalf of Stephen Kirby. Through 15 years of working in this industry, I have seen many people come and go from all walks of life. Though we only started working together seven months ago, I would like you to know that it has been my absolute pleasure to meet and work with Mr. Kirby. From the first day of training, I knew that he would become an invaluable addition to our team. In fact, one of the first conversations we had was him informing me about how important following the rules of poker are and asking me how well we stick to them in implementing our jobs as floor managers. As time has progressed, I have come to know Mr. Kirby as a man of the highest work ethic, integrity, and someone who always strives to be polite, kind, and can always be relied upon whenever needed. This is an unfortunate situation that he has found himself in, but I assure you that it is in no way a reflection of who he is and what he brings to our profession here in Florida. I urge you to make the right decision so that we can keep such an irreplaceable asset the likes of which are a rarity in this industry. If I am able to provide anything else in order to help in this endeavor, I implore you to reach out to me.

Thank you for your time,

Wesley Powell